

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 MELISSA MARIE MCINTOSH, et al.,

11 Plaintiff(s),

12 v.

13 CLARK COUNTY SCHOOL DISTRICT, et al.,

14 Defendant(s).  
15

) Case No. 2:17-cv-00490-JAD-NJK  
)  
)

) ORDER

) (Docket No. 21)  
)  
)

16 Pending before the Court is a discovery plan that is defective in numerous ways, Docket No. 21,  
17 and is therefore **DENIED**. First, the discovery plan provides a deadline for initial disclosures on June  
18 6, 2016, *id.* at 2, which predates the initiation of this case, *see* Docket No. 1. Second, the discovery plan  
19 states that “[s]ettlement cannot be evaluated at this time.” Docket No. 21 at 3. The parties are *required*  
20 to discuss the possibilities for promptly settling or resolving the case at the Rule 26(f) conference. Fed.  
21 R. Civ. P. 26(f)(2). To the extent the parties have not done so, they must do so before filing a new  
22 discovery plan. Third, the discovery plan misstates the deadline to seek extensions, indicating that they  
23 must be filed at least 21 days before the discovery cutoff. Docket No. 21 at 4. The local rules require  
24 the filing of a request to extend at least 21 days before the subject deadline to which extension is sought.  
25 *See* Local Rule 26-4. For example, a request to extend the expert disclosure deadline filed 21 days  
26 before the discovery cutoff would be untimely, as it was due at least 21 days before the expert disclosure  
27  
28

1 deadline.<sup>1</sup> Fourth, the parties failed to include the certifications required by Local Rule 26-1(b)(7)-(8),  
2 regarding alternative dispute resolution, the short trial program, and trial by magistrate judge. Fifth, the  
3 parties failed to include the certification that they discussed presentation of evidence in electronic format  
4 at trial, and any related stipulations reached. Local Rule 26-1(b)(9).

5 The parties shall file a discovery plan that complies with the local rules by October 2, 2017.

6 IT IS SO ORDERED.

7 DATED: September 28, 2017

8  
9  
10   
Nancy J. Koppe  
United States Magistrate Judge

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25 

---

  
26 <sup>1</sup> The discovery plan suggests that the deadlines to file dispositive motions and the joint proposed  
27 pretrial order will be extended automatically in the event the discovery cutoff is extended. *See* Docket No.  
28 21 at 3. The Court declines to adopt that approach. Instead, to the extent an extension of those deadlines  
is sought in conjunction with a request to extend any discovery deadline, the request must so state and  
provide the calendar dates to which the parties wish to extend those deadlines. *Cf.* Local Rule 26-1(b)(4)  
(discovery plans must provide a calendar date for deadline).